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12-27-01

CPA/151 \$  
PTO/SB/29 (1/98)

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional application under 37 CFR 1.53(d))

#15  
ms  
010262  
CHECK BOX, if applicable:  
 DUPLICATE

Address to:	Attorney Docket No.	211A 2828 PCT-CPAii
Assistant Commissioner for Patents Box CPA Washington, DC 20231	First Named Inventor	MINORU TAKEBE
	Express Mail Label No.	EV010399959US
	Total Pages	2

This is a request for a (continued prosecution application (CPA)) of prior application number 09/284,935 filed on May 3, 1999, entitled BENEFICIAL MICROORGANISM PROPAGATION-PROMOTING MATERIAL AND A PROCESS FOR PREPARING THE SAME.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an International application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

**C.I.P. NOT PERMITTED:** A continuation in part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of the CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.59(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of the CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 Statement:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a)

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. 1.116 in the prior nonprovisional application.
2.  A preliminary amendment to follow shortly.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

12/28/2001 GTEFFERA 00000052 09284935

01 FC:131  
02 FC:104

740.00 QP  
280.00 QP

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CALCULATION OF FEES										
ITEM		TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ AMOUNT	\$ FEE		
A	TOTAL CLAIMS FEE	5[6]	-20	0	LG=\$18 SM=\$9	\$18	\$ 0			
B	INDEPENDENT CLAIMS FEE**	3	-3	0	LG=\$84 SM=\$42	\$84	\$ 0			
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)							\$ 0		
D	MULTIPLE-DEPENDENT CLAIMS FEE				LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140		\$ 280			
E	BASIC FEE				LARGE ENTITY FEE = \$740 SMALL ENTITY FEE = \$370		\$ 740			
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)							\$ 1,020		
	**LIST INDEPENDENT CLAIMS 1, 2, 5									

6. Small entity status:

- A small entity statement is enclosed.
- A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- Is no longer claimed.

7. The commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 11-1445:

- Fees required under 37 CFR 1.16.
- Fees required under 37 CFR 1.17.
- Fees required under 37 CFR 1.18.

8.  A check in the amount of \$ 1,020 is enclosed.

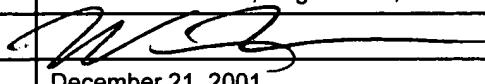
9.  Other: Declaration and Power of Attorney

**NOTE:** *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

#### 10. NEW CORRESPONDENCE ADDRESS

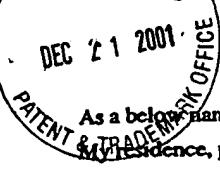
<input type="checkbox"/> Customer Number or Bar Code Label		(INSERT CUSTOMER NO. OR ATTACH BAR CODE LABEL HERE)	or <input checked="" type="checkbox"/> New correspondence address below		
NAME	William L. Androlia KODA & ANDROLIA				
ADDRESS	2029 Century Park East, Suite 3850				
CITY	Los Angeles	STATE	CA	ZIP CODE	90067
COUNTRY	USA	TELEPHONE	310-277-1391		FAX 310-277-4118

#### 11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	William L. Androlia, Reg. No. 27,177
SIGNATURE	
DATE	December 21, 2001

**DECLARATION AND  
POWER OF ATTORNEY**

**COPY**  
PATENT (U.S.A.)  
KODA & ANDROLIA  
ATTORNEY'S DOCKET NO.  
211A 2828 PCT



As a below-named inventor, I declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **BENEFICIAL MICROORGANISM**

**PROPAGATION-PROMOTING MATERIAL AND A PROCESS FOR PREPARING THE** the specification of which is attached hereto unless the following box is checked: **SAME**

was filed on 04/21/1999 as United States Application Number or PCT International Application Number 09/284,935

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or Inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the appropriate line, any foreign application for patent or Inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

**PRIOR FOREIGN APPLICATION(S)**

COUNTRY	APPLICATION NUMBER	DATE OF FILING			PRIORITY CLAIMED
		Month	Day	Year	
Japan	225296/1997	08	21	1997	YES <input checked="" type="checkbox"/> NO _____
					YES _____ NO _____
					YES _____ NO _____
					YES _____ NO _____

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

APPLICATION NUMBER	FILING DATE	STATUS - PATENTED, PENDING, ABANDONED
PCT/JP98/03719	08/21/1998	Pending

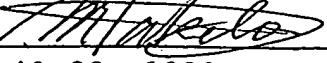
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

WILLIAM L. ANDROLIA, REG. NO. 27,177; H. HENRY KODA, Reg. No. 27,729; ALEX CHARTOVE, Reg. No. 31,942.

SEND ALL CORRESPONDENCE TO:			DIRECT TELEPHONE CALLS TO:	
KODA & ANDROLIA 10100 SANTA MONICA BLVD., SUITE 2340 LOS ANGELES, CALIFORNIA 90067			KODA & ANDROLIA (310) 277-1391	

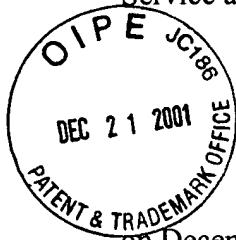
21	Name of Inventor	FIRST NAME	LAST NAME	MIDDLE NAME	Residence CITY	STATE or COUNTRY
	Post Office Address	MINORU	TAKEBE		TOKYO	JAPAN
22	Post Office Address	6-2, Otemachi 2-chome, Chiyoda-ku, Tokyo 100-0004, Japan			CITIZENSHIP	Japan
	Name of Inventor	FIRST NAME	LAST NAME	MIDDLE NAME	Residence CITY	STATE or COUNTRY
23	Post Office Address	MASAKAZU	MORIMOTO		TOKYO	JAPAN
	Name of Inventor	FIRST NAME	LAST NAME	MIDDLE NAME	Residence CITY	CITIZENSHIP
24	Post Office Address	6-2, Otemachi 2-chome, Chiyoda-ku, Tokyo 100-0004, Japan			CITIZENSHIP	Japan
	Name of Inventor	FIRST NAME	LAST NAME	MIDDLE NAME	Residence CITY	STATE or COUNTRY
Post Office Address						CITIZENSHIP

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements and the like may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE OF INVENTOR 201 	SIGNATURE OF INVENTOR 202 
DATE April 22, 1999	DATE April 22, 1999
SIGNATURE OF INVENTOR 203	SIGNATURE OF INVENTOR 204
DATE	DATE

Additional inventors are named on separate Declarations attached hereto.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV010399959US addressed to:



Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

on December 21, 2001 by Inja Yi.

Dated: 12/21/01

By: Inja Yi

211A 2828 PCT-CPAII NAKAO

Inventor(s): MINORU TAKEBE and MASAKAZU MORIMOTO

For: BENEFICIAL MICROORGANISM PROPAGATION-PROMOTING MATERIAL AND A PROCESS FOR PREPARING THE SAME